



**WENDELYN JULIEN**  
EXECUTIVE DIRECTOR

# COUNTY OF LOS ANGELES PROBATION OVERSIGHT COMMISSION


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## MEMBERS OF THE BOARD

HILDA L. SOLIS  
HOLLY J. MITCHELL  
SHEILA KUEHL  
JANICE HAHN  
KATHRYN BARGER

October 12, 2022

TO: Supervisor Holly J. Mitchell, Chair  
Supervisor Hilda L. Solis  
Supervisor Sheila Kuehl  
Supervisor Janice Hahn  
Supervisor Kathryn Barger

FROM: Wendelyn Julien  
Executive Director 

**SUBJECT: FEEDBACK BASED ON A REVIEW OF PROBATION'S TASER POLICY AND TRAINING PLAN (ITEM 39, AGENDA OF MARCH 15, 2022)**

On March 1, 2022, a [letter](#) from the Chief Probation Officer was sent to the Board of Supervisors (Board) asking for authorization to purchase TASER 7 Tasers. The Chief Probation Officer justified that recommended action by citing that "[t]he Tasers would be added to these use of force options and allow an additional less than lethal use of force alternative."

On March 15, 2022, through a [motion](#) by Supervisor Mitchell, the Board of Supervisors (Board) instructed the Probation Oversight Commission (POC) and the Office of the Inspector General (OIG) to review the Probation Department's (Probation) policy governing the use of the tasers and training plan, and to submit any feedback in writing to the Chief Probation Officer and the Board. The motion indicates that the policy shall not take effect, and tasers shall not be used or issued to personnel, for at least 30 days after the POC and OIG have completed their review.

This motion also instructs that the taser policy clarify whether tasers will only be issued to personnel who are already authorized to carry firearms.

### **Feedback on Probation's Policy for Use of Taser-7 Model Tasers**

The Probation Department shared an initial draft of the policy governing the use of tasers (SEO-1800, hereinafter, "the policy") and training plan (Draft Training Plan) with the POC and OIG on June, 22, 2022 and a final draft on October 6, 2022.<sup>1</sup> Between June and October, commissioners and staff of the POC and OIG reviewed the drafts, met with Probation to discuss feedback, and provided written feedback via email. The communications and meetings were collaborative and constructive. Probation was receptive and incorporated most of the feedback into the final draft of the policy.

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<sup>1</sup> Probation also shared the general Use of Force Policy (SEO-1000) which is referred to multiple times throughout the SEO-1800 policy to provide context however the POC has not conducted a thorough review of nor provided feedback on SEO-1000.



The final draft of the policy includes such positive additions as clear anti-collaboration rules in drafting reports after taser use and strong incident review and training plans.

The POC found that the policy reflects best practices in many areas, mirroring policy recommendations suggested in Appendix B by the [American Civil Liberties Union \(ACLU\)](#) and comporting with the Board's "Care First" vision, with three major exceptions. These exceptions were discussed at length with Probation during the review process, and Probation ultimately decided to leave them in the final policy.

The POC is providing this formal feedback of the policy to the Chief Probation Officer and the Board in pursuant to the motion. In addition, while the motion clearly does not give the POC the authority to approve or disapprove the policy, the POC considers these concerns serious enough to encourage the Board to take action to keep Probation from purchasing tasers until the policy is changed:

1. The policy creates new opportunities to escalate force with tasers and is not limited to creating alternatives to firearms.

The major concern that arose during review of the draft policy and subsequent conversations between the POC and Probation concerns the overall purpose of adding tasers to the arsenal of the Special Enforcement Operations (SEO) unit. The POC's original understanding was that tasers were to be added as a less-than-lethal option as an alternative to firearms. The intent was described as a way to give an SEO officer the chance to save a life by using a taser instead of a firearm. As drafted, the policy does this and also creates new opportunities to escalate force in situations where firearms would not be permitted under current policy.

Specifically, the policy authorizes the use of tasers in "assaultive/high risk" situations as well as in "life-threatening" situations. Current policy allows firearm use in life-threatening situations where lethal force is justified but not in assaultive/high risk situations. This change could result in taser deployments in situations where lethal force is not currently allowed and a high number of taser deployments.

2. The policy has standards inconsistent with Probation's other use of force policies.

The policy also creates a new category of incident beyond "assaultive/high risk" and "life threatening" in which a "threat to safety" could be used to justify taser use. Unclear in the policy is the scope of the threat that is required or how to interpret this new standard that does not match other policies or training materials.

The policy also uses the phrase "emergent circumstances" to describe when tasers could be deployed against a person who is more likely to be seriously harmed by the taser. However, "emergent circumstances" is not defined in the policy, including in SEO-1000, the Use of Force Policy. The POC would recommend replacing the phrase "emergent circumstances" to instead say: "Except in situations where deadly force is justified, CEW<sup>2</sup> shall not be applied to the following: [list of vulnerable populations]."

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<sup>2</sup> CEW stands for Conducted Energy Weapon and is another word for taser.



3. The policy allows for the use of tasers on obvious or known children.

Policy SEO-1800 states that “[e]xcept in emergent circumstances, CEW shall not be applied to the following...” listing a number of people vulnerable to harm by a taser including a person known to have a pacemaker, known to be pregnant, etc. The list includes a “young child/toddler/infant” but does not explain how young and specifically does not include teens or a person who is obviously or known to be a child under the age of 18 despite significant research about the potential harm to children and teens who are tased.<sup>3</sup>

It is important to note, that if the concerns under number 1, above, were addressed and the taser policy limited the use of tasers only to incidents where deadly force is justified, then there would be no reason for special rules to prohibit taser use on children, elderly people, pregnant people, etc. The POC acknowledges that a taser is still preferred over a firearm for all vulnerable populations.

However, given that the policy allows for the use of tasers in situations where deadly force is not justified, the POC disagrees that tasers should be able to be used on anyone who is obviously or known to be a child under the age of 18.

This issue was discussed at length and ultimately not agreed upon.

## Conclusion

The POC appreciates the Board’s trust in providing the opportunity to submit feedback on Probation’s SEO-1800 policy and training plan regarding the purchase and deployment of tasers. Despite there being areas in which the POC and Probation ultimately could not come to consensus, Probation worked collaboratively and positively with the POC during the process. In addition to incorporating significant feedback into the policy, Probation also agreed to provide the POC with timely notice about the use of tasers if and when they are purchased to ensure accountability and conduct regular review of the frequency and circumstances of use.

Please feel free to contact me at [wjulien@poc.lacounty.gov](mailto:wjulien@poc.lacounty.gov) with any questions.

WJ

c: Fesia Davenport, Chief Executive Officer  
Adolfo Gonzales, Chief Probation Officer  
Vincent Holmes, Interim Director, Department of Youth Development  
Lisa Garrett, Director of Personnel  
Celia Zavala, Executive Officer  
Dawyn R. Harrison, Interim County Counsel  
Justice Deputies, Board of Supervisors

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<sup>3</sup> <https://jije.org/2018/10/22/using-tasers-on-youth-inspires-a-shocking-lack-of-action/>  
<https://thecrimereport.org/2022/01/20/stunned-for-life-the-use-and-abuse-of-tasers-on-children-and-youth/>  
[https://strategiesforyouth.org/sitefiles/wp-content/uploads/2022/01/SFY\\_Catch-and-Stun\\_fnl-rev\\_web.pdf](https://strategiesforyouth.org/sitefiles/wp-content/uploads/2022/01/SFY_Catch-and-Stun_fnl-rev_web.pdf)